

## PORT AND SOLID WASTE DEPARTMENT



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DEAN HAEN

INTERIM PORT AND SOLID WASTE DIRECTOR

### PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

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A meeting was held on **Monday, May 14, 2012**  
at the Clarion Hotel, 200 Main St., Green Bay, WI

1) The meeting was officially called to order by Vice-President Dickman at 11:30am.

2) Roll Call:

Present: Vice-President Craig Dickman  
Commissioner Ron Antonneau  
Commissioner Bill Martens  
Commissioner Hank Wallace  
Commissioner Bernie Erickson  
Commissioner John Hanitz  
Commissioner Greg Flisram

Excused: President Neil McKloskey  
Commissioner Tom Klimek

Also Present: Dean Haen, Brown County Port & Solid Waste  
Mark Walter, Brown County Port & Solid Waste

3) Approval/Modification – *Meeting Agenda*

**A motion to approve the agenda was made by John Hanitz and seconded by Hank Wallace.** Unanimously approved.

4) Approval/Modification – March 12, 2012 Meeting Minutes

Bill Martens noted that on page 3 of the March 12, 2012 minutes the amount under Item 9 of Renard Island closure work should be noted as \$259,000 not \$259,0000.

**A motion to adopt the March 12, 2012 meeting minutes as amended was made by Bill Martens and seconded by Greg Flisram.** Unanimously approved.

5) Renard Island

a.) Consideration for Advancing Closure of Renard Island – Request for Approval

Due to changes in the grant program eligibility criteria, Renard Island closure activities are no longer eligible for GLRI funds. Enclosed in the packet distributed was a document detailing a consideration for advancing closure activities. An audit of the Bay Port facility had determined that we have over-collected \$300,000 in tipping fees at Bay Port from the federal government.

An audit is completed every five years in order to get the tipping fee consistent with actual costs and to determine if any money is due to or from the Corps. A majority of the Bay Port costs involved dredge material management and moving when it is dry to a storage cell. Renard Island has WDNR closure deadline of June 2013.

The proposed solution to advance closure activities is instead of charging the Corps a tipping fee this year and then paying Brown County, Brown County charges a \$0 tipping fee in exchange from the money that would have otherwise been paid to Brown County, be paid to a contractor moving material from Bay Port to Renard Island. The contractor will be Corps assigned to excavate dredge material out of Bay Port and move it to Renard Island as part of the closure. Closure is in need of about \$3 million worth of work at Renard Island. This effort would close the gap.

Based on current conditions and the current process, the June 2013 deadline set by the WDNR for closure of Renard Island will not be met. This effort will also help with our application to request an extension on the deadline.

The Corps is legally responsible for the closure of Renard Island however they have thus far been lagging on that closure. Consequences for failing to meet the deadline of closure include the fact that Brown County is the lakebed holder and the State could sue the County, which could result in a County funded closure solution. The State has always implied to Brown County that the County is ultimately responsible for the Renard Island closure, regardless of the agreement from the Corps even though they are the organization accountable for it.

This plan needs approval from the Harbor Commission and then will proceed to the County Board Planning, Development and Transportation Committee for approval. The plan needs to be advanced with two contingencies 1.) Seek the endorsement of the Corps of Engineers on this plan 2.) Brown County contacts the WDNR for extension of deadline to avoid additional liability that could be created through this action.

A suggestion was made to make a point to communicate to the offices of Congressman Ribble, Senator Kohl, and Senator Johnson indicating that this is a creative way that a local government is helping solve a national issue, including good fiscal management.

In 2011, the GLRI grant received by Brown County resulted in 259,000 cy of material hauled to Renard Island. The Federal Government paid tipping fees for this material, that was eventually moved to Renard Island that will result in Brown County having further over-collected funds from the Federal government when the next five-year audit is conducted. If this consideration is successful, the opportunity exists to doing the same thing over the next couple of years.

This consideration is fiscally neutral and demonstrates progress and if successful could be implemented in subsequent years to ultimately close Renard Island.

**A motion to approve moving forward on this plan was made by Hank Wallace and seconded by Ron Antonneau. Unanimously approved.**

#### b.) GLRI Grant Final Report – Update

A copy of the report that was sent to the EPA on the work completed on Renard Island in the period from January 2011 through March 2012 was included for review. The project was

completed in February. The drawings included with the agenda showed the changes in elevation on the island over the course of the project.

**A motion to accept and place on file was made by Bernie Erickson and seconded by Ron Antonneau.** Unanimously approved.

6) Cat Island Chain Restoration Project  
a.) GLRI Bid – Request for Approval

A bid tabulation report for beginning the construction of the wave barrier/access road to Cat Island was presented to the Commission. Peters Concrete was the successful bidder based on their bid to build 3,918 feet of wave barrier. The low bid was based on which construction firm would be able to go the farthest with the \$1.3 million in funds available. Their bid equates to 2,000 more feet and 33% greater distance than originally estimated by the Corps. Based on the Renard Island work, Brown County is also comfortable with the quality of work that Peters has completed in the past.

Foth is doing the engineering and design work on this project. Surveys need to be done on a continuous basis. One person from Brown County will be on-site full time for the duration of the project. The Corps also wants a topographic survey done of Lineville Road prior to construction and hauling due to the fact that they believe the road will fail with the increased construction traffic. The County will be documenting the existing conditions of Lineville Road and Bay Shore Drive. At the end of the project, the Corps does have plans in place as part of their bid to resurface Lineville Road.

**A motion to approve the GLRI project bid Award to Peters Construction was made by Ron Antonneau and seconded by Greg Flisram.** Unanimously approved.

b.) Project Partnership Agreement – Update

The draft Project Partnership Agreement (PPA) and County resolution were handed out at the meeting. The PPA establishes the relationship between Brown County and the US Army Corps of Engineers to build Cat Island along with its long-term operation and maintenance. Brown County has grant money and other funds for this project which will be used to provide stone to the Corps as an in-kind contribution for the project. Brown County may need to provide an additional 10% of the remaining cost in cash, which can be paid over 30 years and payable by future collected Harbor Fees and/or Harbor Dredging Fees. The County would meet that obligation up front since the funds are available over the next five years.

An advisory committee is providing management input for the Cat Island project since it will take 30 years to fill it. It is managed by consensus though a vote may be taken if consensus is not reached. This advisory committee consists of staff from Brown County Port & Solid Waste, WDNR, US Fish and Wildlife Service, Corps, and a citizen representative as voting members with other stakeholders serving in an advisory capacity. This mix provides good flexibility for management of the chain.

Next month staff will request approval from the Harbor Commission on the documents. In the meantime, staff requested the Harbor Commissioners review the draft documents and provide any comments prior to the May 21 Planning, Development and Transportation Committee takes action on the item.

c.) WDOT Stone Bid – Update

Foth has put a draft bid together for procurement of stone that is in review by the Corps. The concern in the bid process is how to factor in transportation of stone from the quarry to the project site while selecting the low bid. The County will only be paying for the stone, not hauling. The Corps will be paying for the transport cost because they want to have control over the flow of incoming stone material. The bid offer will be out in June and awarded in July for construction to begin in August.

7) WI Coastal Management Program Grant for Port Opportunity Study – Update

The Brown County Planning Department received a grant to update the Port Opportunities Study which was done in 2004. This type of study takes a look at the river and all adjacent properties and identifies needs and costs of these properties in order to do business via the riverfront. The study will also look further inland to include properties such as the Bylsby property which can be connected by pipeline or intermodal methods of expanding port business further inland.

8) Director's Report

Legislative updates are included in the packet. Annual Harbor maintenance tax will hopefully pass as part of the Federal highway bill. A short sea shipping bill is in the works that will be the conduit for getting containers moved through the Port of Green Bay. New County Board assignments for committees are also included in the packet.

The April Port Symposium had a good turnout. Dean Haen is considering a change of venue for next year's event for variety and has been researching locations that have good access to the waterfront with consideration being given to the new Children's Museum. Ron Antonneau suggested the possibility of even holding the event in a conference center at one of the terminal operator locations.

9) Tonnage Report – Request for Approval

Despite opening up shipping operation early this season in March, April tonnage report was slow. The cause was unknown, however, this month, there has now been a greater influx of incoming cargo. The 2011 shipping season closed out being up approximately 26%. This coming shipping season will not see as much salt shipped in due to our mild winter this past season.

**A motion to approve the tonnage report was made by Ron Antonneau and seconded by Bernie Erickson. Unanimously approved.**

10) Audit of Bills

**A motion to approve was made by Bill Martens and seconded by John Hanitz. Unanimously approved.**

11) Such Other Matters as Authorized by Law

None at this time.

12) Adjourn

**A motion to adjourn was made by Ron Antonneau and seconded by Bernie Erickson . Unanimously approved. Meeting adjourned at 12:30 pm.**

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Neil McKloskey, President  
Harbor Commission

Dean Haen, Interim Director  
Port & Solid Waste Department